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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,492	11/26/2001	Hong M. Dang	100111622-2	3187

7590 09/08/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

KRAMER, JAMES A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,492

Applicant(s)

DANG ET AL.

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 is rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al.

Ginter et al. teaches a distributed commerce utility. Ginter et al. teaches within this utility appliance have a protected processing environment, which provides a highly secure, trusted environment in which electronic processes and transactions can be reliably performed without significant danger of tampering or other compromise (1st security function) (e.g. column 17; lines 1-30).

Ginter et al. also teaches a Certifying Authority with issues digital certificates that certify particular facts. In other words they are used to control access to a system based on a user ID (2nd security function) (e.g. column 29; line 60 – column 30; line 52).

Ginter et al. teaches a transaction authority (e.g. column 31; line 54). The transaction authority monitors the status of an electronic transaction and/or process and maintains a secure, reliable record of what has happened and what still needs to happen. Examiner notes that by doing this, the transaction authority is essentially monitoring availability of internal support processes and therefore represents a system availability function.

Ginter et al. also teaches the transaction authority providing electronic notification (column 32; lines 20-50), thereby representing a notification function.

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Ginter et al. teaches a virtual distributed environment administration service. This service ensures the network operates securely, smoothly and efficiently. To accomplish this end the VDE administration service may manage cryptographic keys used for electronic security throughout the network (e.g. column 33; lines 5-25). (Secure access function).

Ginter et al. teaches Commerce utility system descriptors contain (track) information about the commerce utility system that may be used to identify such system and its capabilities. (starts on column 35; line 19). These systems are implemented using object oriented programming techniques. Examiner notes that this system corresponds to Applicant's system utility function, in that it can track login/logout, object creating, deleting, editing and rule based changes to the system.

Ginter et al. teaches a commerce utility support services layer, which provides increased efficiency for large numbers of transactions. Such utility support services include load balancing and database bridging (e.g. column 37; lines 34-44). Examiner notes this represents a system load balance and scalability function.

Ginter et al. teaches the system allows third party archiving and/or authenticating of transactions and/or transaction information for secure back up and non-repudiation (e.g. column 13; lines 29-31). Examiner notes this represents system backup and recovery function.

Ginter et al. teaches a Usage Clearing house starting on column 28; line 15. The usage clearinghouse receives usage information, analyzes the usage information and provides reports based on the analysis it performs. Examiner notes this represents Applicant's operating system function.

Response to Arguments

Applicant's arguments filed 5/28/04 have been fully considered but they are not persuasive. Applicant asserts that Ginter et al. neither discloses nor suggests an intelligent system having multilayer architecture for calculating sales and/or user tax for payments and accruals. Applicant further asserts that Ginter et al. does not teach or suggest a system with modular programming or a multilayer architecture incorporating a modular programming infrastructure, for providing operations relating to transaction tax data computation, report remittance and funds transfer services between and subscriber and a government authority over an interactive communications network.

Examiner respectfully disagrees. Ginter et al. specifically teaches that the present inventions provide an integrated, modular array of administrative and support services for electronic commerce and transaction management (column 4; lines 63-66). In addition, Ginter et al. teaches in numerous location the use of the present invention for calculating and paying various taxes to government authorities (e.g. column 22; lines 15-25; column 35; lines 55-60; column 46; lines 30-35; column 49; lines 50-53).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

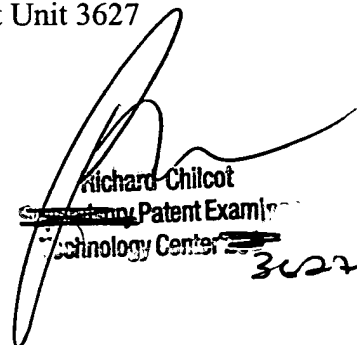
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAK

James A. Kramer
Examiner
Art Unit 3627


Richard Chilcot
~~Supervisor~~ Patent Examiner
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